

## Remarks

### The Examiner Interview

Applicants thank Examiner Ford for the telephonic interview of July 10, 2003.

The Applicants understand that Examiner Ford will provide an Interview Summary.

### The Office Action Summary

Claim 24 was listed as both withdrawn and pending in the Office Action Summary. Claim 24 should be accurately listed as pending and rejected.

### The Amendments

Claim 21 has been amended to delete the phrase "shown in" in favor of "consisting of". This amendment is intended to provide "closed claim language" to the polypeptides themselves and NOT to the claimed device itself. That is, the polypeptides consist of the sequences shown in SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7. The claimed device itself can comprise elements other than the recited polypeptides.

Claim 21 has further been amended for clarity. The substitution variants are now described as "amino acid substitution variants thereof that specifically bind to an anti-*Ehrlichia* antibody" instead of phenotypically silent amino acid substitution variants, as recited in Claim 21, or conservative amino acid substitution variants, as recited in Claim 35. Claims 35-38 have been canceled because the subject matter of these claims are now encompassed by claims 21-24. This amendment is not a narrowing amendment, and is made merely to clarify the claimed substitution variants. The definition of substitution

variants in the specification included that the variants specifically bind to an anti-*Ehrlichia* antibody. *See e.g.*, specification, page 9, lines 8-11; page 11, lines 7-9.

New claims 39-42 have been added. Support for the claims can be found in the specification at, *inter alia*, page 4, lines 1-12 and page 15, lines 6-8.

No new matter is added by these amendments. Applicants respectfully request entry of these amendments and new claims.

**Rejection of Claims 21-24 and 35-38 Under 35 U.S.C. §112, first paragraph**

Claims 21-24 and 35-38 stand rejected under 35 U.S.C. §112, first paragraph as allegedly lacking written description. Claims 35- 38 have been canceled, as such the rejection is moot as applied to these claims. Applicants respectfully traverse the rejection as it applies to claims 21-24.

The Office Action asserts that the claimed variants are not adequately described by the specification.

Claims 21 and 23 have been amended to clarify that the claimed amino acid substitution variants are amino acid substitution variants of SEQ ID Nos:1-7 that specifically bind to an anti-*Ehrlichia* antibody. The specification teaches that amino acid substitution variants of the invention can be, for example, phenotypically silent amino acid substitutions and/or conservative amino acid substitutions. The specification further provide detailed guidance on how to construct variants of SEQ ID Nos:1-7. *See*, page 7, line 10 through page 8, line 20. *See also*, Bowie, *et al.*, *Science*, 247:1306 (1990) (copy attached) (teaching methods of construction of variants and the tolerance of protein sequences to substitutions). The specification also teaches that polypeptides of the

invention “specifically bind to an anti-*Ehrlichia* antibody”. See e.g., page 9, lines 8-11. The term “polypeptides of the invention” includes “variants thereof”. See e.g., page 11, lines 7-9. One of skill in the art, given the specification, would understand that Applicants were in possession of the invention as now claimed. Applicants respectfully request withdrawal of the rejection.

**Rejection of Claims 21-24 and 35-38 Under 35 U.S.C. §112, first paragraph**

Claims 21-24 and 35-38 stand rejected under 35 U.S.C. §112, first paragraph as allegedly lacking enablement. Claims 35-38 have been canceled. Therefore, the rejection is moot as applied to claims 35-38. Applicants respectfully traverse the rejection as it applies to claims 21-24.

The Office Action asserts that the claimed variants are not enabled by the specification. The Office Action asserts that the specification provides no structural description accompanying the variant language recited in the claims. The Office Action asserts that it is not routine in the art to screen multiple substitutions or multiple modifications of other types and the position within the polypeptide’s sequence where amino acid modifications can be made with a reasonable expectation of success in obtaining similar anti-*Ehrlichia* antibody binding activity are limited in any polypeptide and the result of such modifications is unpredictable.

Claims 21 and 23 have been amended to clarify that the claimed variants are amino acid substitution variants of SEQ ID Nos:1-7 that specifically bind to an anti-*Ehrlichia* antibody. The specification teaches how to make and how to use the claimed variants. The specification teaches that amino acid substitution variants of the invention

can be, for example, phenotypically silent amino acid substitutions and/or conservative amino acid substitutions. The specification further provides detailed guidance on how to construct variants of SEQ ID NOS:1-7. See, page 7, line 10 through page 8, line 20. See also, Bowie, *et al.*, *Science*, 247:1306 (1990) (copy attached) (teaching methods of construction of variants and the tolerance of protein sequences to substitutions). The specification also teaches that polypeptides of the invention “specifically bind to an anti-*Ehrlichia* antibody”. See *e.g.*, page 9, lines 8-11. The term “polypeptides of the invention” includes “variants thereof”. See *e.g.*, page 11, lines 7-9. The specification teaches how to test specific binding of a polypeptide to an anti-*Ehrlichia* antibody. See *e.g.*, Example 1. Such testing is routine to one of skill in the art. Therefore, one of skill in the art, given the specification, could make and use the claimed variant polypeptides.

Applicants respectfully request withdrawal of the rejection.

**Rejection of Claims 21-24 Under 35 U.S.C. §102(a)**

Claims 21-24 and 35-38 stand rejected under 35 U.S.C. §102(a) as allegedly anticipated by Waner *et al.* Claims 35-38 have been canceled. The rejection is therefore moot as applied to claims 35-38. Applicants respectfully traverse the rejection as it applies to claims 35-38.

The amended claims recite devices containing one or more isolated polypeptides consisting of SEQ ID NOS:1-7 and amino acid substitution variants of SEQ ID NOS:1-7 that specifically bind to an anti-*Ehrlichia* antibody.

Waner does not teach or suggest a device containing one or more polypeptides consisting of SEQ ID NOS:1-7 and substitution variants thereof that specifically bind to

an anti-*Ehrlichia* antibody. It should be noted that Waner does not teach or suggest the use of any types of *E. chaffeensis* polypeptides in a device. SEQ ID NOs:3-7 of the present invention are *E. chaffeensis* derived polypeptides and therefore cannot be anticipated by Waner.

Waner does not anticipate claims 21-24 because Waner does not teach, suggest, or inherently disclose each and every element of claims 21-24. Applicants respectfully request withdrawal of the rejection.

**Rejection of Claims 21-24 Under 35 U.S.C. §102(b)**

Claims 21-24 and 35-38 stand rejected under 35 U.S.C. §102(a) as allegedly anticipated by Cadman *et al.* Claims 35-38 have been canceled. The rejection is therefore moot as applied to claims 35-38. Applicants respectfully traverse the rejection as it applies to claims 35-38.

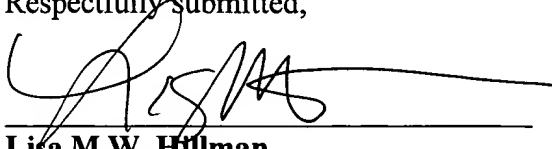
The amended claims recite devices containing one or more isolated polypeptides consisting of SEQ ID NOs:1-7 and amino acid substitution variants of SEQ ID NOs:1-7 that specifically bind to an anti-*Ehrlichia* antibody.

Cadman does not teach or suggest a device containing one or more polypeptides consisting of SEQ ID NOS:1-7 and substitution variants thereof that specifically bind to an anti-*Ehrlichia* antibody. It should be noted that Cadman does not teach or suggest the use of any types of *E. chaffeensis* polypeptides in a device. SEQ ID NOs:3-7 of the present invention are *E. chaffeensis* derived polypeptides and therefore cannot be anticipated by Cadman.

Cadman does not anticipate claims 21-24 because Cadman does not teach, suggest, or inherently disclose each and every element of claims 21-24. Applicants respectfully request withdrawal of the rejection.

Applicants respectfully request the withdrawal of all rejections and the speedy allowance of the claims.

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Respectfully submitted,  
  
By: Lisa M.W. Hillman  
Reg. No. 43,673



## Deciphering the message in protein sequences: tolerance to amino acid substitutions.

by James U. Bowie, John F. Reidhaar-Olson, Wendell A. Lim and Robert T. Sauer

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Deciphering the Message in Protein Sequences:  
Tolerance to Amino Acid Substitutions

THE GENOME IS MANIFEST LARGELY IN THE SET OF PROTEINS that it encodes. It is the ability of these proteins to fold into unique three-dimensional structures that allows them to function and carry out the instructions of the genome. Thus, comprehending the rules that relate amino acid sequence to structure is fundamental to an understanding of biological processes. Because an amino acid sequence contains all of the information necessary to determine the structure of a protein [1], it should be possible to predict structure from sequence, and subsequently to infer detailed aspects of function from the structure. However, both problems are extremely complex, and it seems unlikely that either will be solved in an exact manner in the near future. It may be possible to obtain approximate solutions by using experimental data to simplify the problem. In this article, we describe how an analysis of allowed amino acid substitutions in proteins can be used to reduce the complexity of sequences and reveal important aspects of structure and functions.

### Methods for Studying Tolerance to

#### Sequence Variation

There are two main approaches to studying the tolerance of an amino acid sequence to change. The first method relies on the process of evolution, in which mutations are either accepted or rejected by natural selection. This method has been extremely powerful for proteins such as the globins or cytochromes, for which sequences from many different species are known [2-7]. The second approach uses genetic methods to introduce amino acid changes at specific positions in a cloned gene and uses selections or screens to identify functional sequences. This approach has been used to great advantage for proteins that can be expressed in bacteria or yeast, where the appropriate genetic manipulations are possible [3, 8-11]. The end results of both methods are lists of active sequences that can be compared and analyzed to identify sequence features that are essential for folding or function.

If a particular property of a side chain, such as charge or size, is important at a given position, only side chains that have the required property will be allowed. Conversely, if the chemical identity of the side chain is unimportant, then many different substitutions will be permitted.

Studies in which these methods were used have revealed that proteins are surprisingly tolerant of amino acid substitutions [2-4, 11]. For example, in studying the effects of approximately 1500 single amino acid substitutions at 142 positions in lac repressor, Miller and co-workers found that about one-half of all substitutions were phenotypically silent [11]. At some positions, many different, nonconservative substitutions were allowed. Such residue positions play little or no role in structure and function. At other positions, no substitutions or only conservative substitutions were allowed. These residues are the most important for lac repressor activity.

What roles do invariant and conserved side chains play in proteins? Residues that are directly involved in protein functions such as binding or catalysis will certainly be among the most conserved. For example, replacing the Asp in the catalytic triad of trypsin with Asn results in a 10,000-fold reduction in activity [12]. A similar loss of activity occurs in [lambda] repressor when a DNA binding residue is changed from Asn to Asp [13]. To carry out their function, however, these catalytic residues and binding residues must be precisely oriented in three dimensions. Consequently, mutations in residues that are required for structure formation or stability can also have dramatic effects on activity [10, 14-16]. Hence, many of the residues that are conserved in sets of related sequences play structural roles.

#### Substitutions at Surface and Buried Positions

In their initial comparisons of the globin sequences, Perutz and co-workers found that most buried residues require nonpolar side chains, whereas few features of surface side chains are generally conserved [6]. Similar results have been seen for a number of protein families [2, 4, 5, 7, 17, 18]. An example of the sequence tolerance at surface versus buried sites can be seen in Fig. 1, which shows the allowed substitutions in [lambda] repressor at residue positions that are near the dimer interface but distant from the DNA binding surface of the protein [9]. These substitutions were identified by a functional selection after cassette mutagenesis. A histogram of side chain solvent accessibility in the crystal structure of the dimer is also shown in Fig. 1. At six positions, only the wild-type residue or relatively conservative substitutions are allowed. Five of these positions are buried in the protein. In contrast, most of the highly exposed positions tolerate a wide range of chemically different side chains, including hydrophilic and hydrophobic residues. Hence, it seems that most of the structural information in this region of the protein is carried

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by the residues that are solvent inaccessible.

### Constraints on Core Sequences

Because core residue positions appear to be extremely important for protein folding or stability, we must understand the factors that dictate whether a given core sequence will be acceptable. In general, only hydrophobic or neutral residues are tolerated at buried sites in proteins, undoubtedly because of the large favorable contribution of the hydrophobic effect to protein stability [19]. For example, Fig. 2 shows the results of genetic studies used to investigate the substitutions allowed at residue positions that form the hydrophobic core of the NH<sub>2</sub>-terminal domain of [lambda] repressor [20]. The acceptable core sequences are composed almost exclusively of Ala, Cys, Thr, Val, Ile, Leu, Met, and Phe. The acceptability of many different residues at each core position presumably reflects the fact that the hydrophobic effect, unlike hydrogen bonding, does not depend on specific residue pairings. Although it is possible to imagine a hypothetical core structure that is stabilized exclusively by residues forming hydrogen bonds and salt bridges, such a core would probably be difficult to construct because hydrogen bonds require pairing of donors and acceptors in an exact geometry. Thus the repertoire of possible structures that use a polar core would probably be extremely limited [21]. Polar and charged residues are occasionally found in the cores of proteins, but only at positions where their hydrogen bonding needs can be satisfied [22].

The cores of most proteins are quite closely packed [23], but some volume changes are acceptable. In [lambda] repressor, the overall core volume of acceptable sequences can vary by about 10%. Changes at individual sites, however, can be considerably larger. For example, as shown in Fig. 2, both Phe and Ala are allowed at the same core position in the appropriate sequence contexts. Large volume changes at individual buried sites have also been observed in phylogenetic studies, where it has been noted that the size decreases and increases at interacting residues are not necessarily related in a simple complementary fashion [5, 7, 17]. Rather, local volume changes are accommodated by conformational changes in nearby side chains and by a variety of backbone movements.

### The Informational Importance of the Core

With occasional exceptions, the core must remain hydrophobic and maintain a reasonable packing density. However, since the core is composed of side chains that can assume only a limited number of conformations [24], efficient packing must be maintained without steric

clashes. How important are hydrophobicity, volume, and steric complementarity in determining whether a given sequence can form an acceptable core? Each factor is essential in a physical sense, as a stable core is probably unable to tolerate unsatisfied hydrogen bonding groups, large holes, or steric overlaps [25]. However, in an informational sense, these factors are not equivalent. For example, in experiments in which three core residues of [lambda] repressor were mutated simultaneously, volume was a relatively unimportant informational constraint because three-quarters of all possible combinations of the 20 naturally occurring amino acids had volumes within the range tolerated in the core, and yet most of these sequences were unacceptable [20]. In contrast, of the sequences that contained only the appropriate hydrophobic residues, a significant fraction were acceptable. Hence, the hydrophobicity of a sequence contains more information about its potential acceptability in the core than does the total side chain volume. Steric compatibility was intermediate between volume and hydrophobicity in informational importance.

### The Informational Importance of Surface Sites

We have noted that many surface sites can tolerate a wide variety of side chains, including hydrophilic and hydrophobic residues. This result might be taken to indicate that surface positions contain little structural information. However, Bashford et al., in an extensive analysis of globin sequences [4], found a strong bias against large hydrophobic residues at many surface positions. At one level, this may reflect constraints imposed by protein solubility, because large patches of hydrophobic surface residues would presumably lead to aggregation. At a more fundamental level, protein folding requires a partitioning between surface and buried positions. Consequently, to achieve a unique native state without significant competition from other conformations, it may be important that some sites have a decided preference for exterior rather than interior positions. As a result, many surface sites can accept hydrophobic residues individually, but the surface as a whole can probably tolerate only a moderate number of hydrophobic side chains.

### Identification of Residue Roles from

#### Sets of Sequences

Often, a protein of interest is a member of a family of related sequences. What can we infer from the pattern of allowed substitutions at positions in sets of aligned sequences generated by genetic or phylogenetic methods? Residue positions that can accept a number of



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different side chains, including charged and highly polar residues, are almost certain to be on the protein surface. Residue positions that remain hydrophobic, whether variable or not, are likely to be buried within the structure. In Fig. 3, those residue positions in  $\lambda$  repressor that can accept hydrophilic side chains are shown in orange and those that cannot accept hydrophilic side chains are shown in green. The obligate hydrophobic positions define the core of the structure, whereas positions that can accept hydrophilic side chains define the surface.

Functionally important residues should be conserved in sets of active sequences, but it is not possible to decide whether a side chain is functionally or structurally important just because it is invariant or conserved. To make this distinction requires an independent assay of protein folding. The ability of a mutant protein to maintain a stably folded structure can often be measured by biophysical techniques, by susceptibility to intracellular proteolysis [26], or by binding to antibodies specific for the native structure [27, 28]. In the latter cases, it is possible to screen proteins in mutated clones for the ability to fold even if these proteins are inactive. Sets of sequences that allow formation of a stable structure can then be compared to the sets that allow both folding and function, with the active site or binding residues being those that are variable in the set of stable proteins but invariant in the set of functional proteins. The DNA-binding residues of Arc repressor were identified by this method [8]. The receptor-binding residues of human growth hormone were also identified by comparing the stabilities and activities of a set of mutant sequences [28]. However, in this case, the mutants were generated as hybrid sequences between growth hormone and related hormones with different binding specificities.

### Implications for Structure Prediction

At present, the only reliable method for predicting a low-resolution tertiary structure of a new protein is by identifying sequence similarity to a protein whose structure is already known [29, 30]. However, it is often difficult to align sequences as the level of sequence similarity decreases, and it is sometimes impossible to detect statistically significant sequence similarity between distantly related proteins. Because the number of known sequences is far greater than the number of known structures, it would be advantageous to increase the reach of the available structural information by improving methods for detecting distant sequence relations and for subsequently aligning these sequences based on structural principles. In a normal homology search, the sequence database is scanned with a single test sequence, and every residue must be weighted equally.

However, some residues are more important than others and should be weighted accordingly. Moreover, certain regions of the protein are more likely to contain gaps than others. Both kinds of information can be obtained from sequence sets, and several techniques have been used to combine such information into more appropriately weighted sequence searches and alignments [31]. These methods were used to align the sequences of retroviral proteases with aspartic proteases, which in turn allowed construction of a three-dimensional model for the protease of human immunodeficiency virus type 1 [29]. Comparison with the recently determined crystal structure of this protein revealed reasonable agreement in many areas of the predicted structure [32].

The structural information at most surface sites is highly degenerate. Except for functionally important residues, exterior positions seem to be important chiefly in maintaining a reasonably polar surface. The information contained in buried residues is also degenerate, the main requirement being that these residues remain hydrophobic. Thus, at its most basic level, the key structural message in an amino acid sequence may reside in its specific pattern of hydrophobic and hydrophilic residues. This is meant in an informational sense. Clearly, the precise structure and stability of a protein depends on a large number of detailed interactions. It is possible, however, that structural prediction at a more primitive level can be accomplished by concentrating on the most basic informational aspects of an amino acid sequence. For example, amphipathic patterns can be extracted from aligned sets of sequences and used, in some cases, to identify secondary structures.

If a region of secondary structure is packed against the hydrophobic core, a pattern of hydrophobic residues reflecting the periodicity of the secondary structure is expected [33, 34]. These patterns can be obscured in individual sequences by hydrophobic residues on the protein surface. It is rare, however, for a surface position to remain hydrophobic over the course of evolution. Consequently, the amphipathic patterns expected for simple secondary structures can be much clearer in a set of related sequences [6]. This principle is illustrated in Fig. 4, which shows helical hydrophobic moment plots for the Antennapedia homeodomain sequence (Fig. 4A) and for a composite sequence derived from a set of homologous homeodomain main proteins (Fig. 4B) [35]. The hydrophobic moment is a simple measure of the degree of amphipathic character of a sequence in a given secondary structure [34]. The amphipathic character of the three  $\alpha$ -helical regions in the Antennapedia protein [36] is clearly revealed only by the analysis of the combined set of homeodomain sequences. The secondary structure of

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Arc repressor, a small DNA-binding protein, was recently predicted by a similar method [8] and confirmed by nuclear magnetic resonance studies [37].

The specific pattern of hydrophobic and hydrophilic residues in an amino acid sequence must limit the number of difficult structures a given sequence can adopt and may indeed define its overall fold. If this is true, then the arrangement of hydrophobic and hydrophilic residues should be a characteristic feature of a particular fold. Sweet and Eisenberg have shown that the correlation of the pattern of hydrophobicity between two protein sequences is a good criterion for their structural relatedness [38]. In addition, several studies indicate that patterns of obligatory hydrophobic positions identified from aligned sequences are distinctive features of sequences that adopt the same structure [4, 29, 38, 39]. Thus, the order of hydrophobic and hydrophilic residues in a sequence may actually be sufficient information to determine the basic folding pattern of a protein sequence.

Although the pattern of sequence hydrophobicity may be a characteristic feature of a particular fold, it is not yet clear how such patterns could be used for prediction of structure *de novo*. It is important to understand how patterns in sequence space can be related to structures in conformation space. Lau and Dill have approached this problem by studying the properties of simple sequences composed only of H (hydrophobic) and P (polar) groups on two-dimensional lattices [40]. An example of such a representation is shown in Fig. 5. Residues adjacent in the sequence must occupy adjacent squares on the lattice, and two residues cannot occupy the same space. Free energies of particular conformations are evaluated with a single term, an attraction of H groups. By considering chains of ten residues, an exhaustive conformational search for all 1024 possible sequences of H and P residues was possible. For longer sequences only a representative fraction of the allowed sequence or conformation space could be explored. The significant results were as follows: (i) not all sequences can fold into a "native" structure and only a few sequences form a unique native structure; (ii) the probability that a sequence will adopt a unique native structure increases with chain length; and (iii) the native states are compact, contain a hydrophobic core surrounded by polar residues, and contain significant secondary structure. Although the gap between these two-dimensional simulations and three-dimensional structures is large, the use of simple rules and sequence representations yields results similar to those expected for real proteins. Three-dimensional lattice methods are also beginning to be developed and evaluated [41].

### Summary

There is more information in a set of related sequences than in a single sequence. A number of practical applications arise from an analysis of the tolerance of residue positions to change. First, such information permits the evaluation of a residue's importance to the function and stability of a protein. This ability to identify the essential elements of a protein sequence may improve our understanding of the determinants of protein folding and stability as well as protein function. Second, patterns of tolerance to amino acid substitutions of varying hydrophilicity can help to identify residues likely to be buried in a protein structure and those likely to occupy surface positions. The amphipathic patterns that emerge can be used to identify probable regions of secondary structure. Third, incorporating a knowledge of allowed substitutions can improve the ability to detect and align distantly related proteins because the essential residues can be given prominence in the alignment scoring.

As more sequences are determined, it becomes increasingly likely that a protein of interest is a member of a family of related sequences. If this is not the case, it is now possible to use genetic methods to generate lists of allowed amino acid substitutions. Consequently, at least in the short term, it may not be necessary to solve the folding problem for individual protein sequences. Instead, information from sequence sets could be used. Perhaps by simplifying sequence space through the identification of key residues, and by simplifying conformation space as in the lattice methods, it will be possible to develop algorithms to generate a limited number of trial structures. These trial structures could then, in turn, be evaluated by further experiments and more sophisticated energy calculations.

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(\*) Present address: Department of chemistry and Biochemistry and the Molecular Biology Institute, University of California, Los Angeles, Los Angeles, CA 90024.

The authors are in the Department of Biology, Massachusetts Institute of Technology, Cambridge, MA 02139.